

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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UNITED STATES OF AMERICA, )  
ex rel. MELAYNA LOKOSKY, )  
Plaintiff-Relator ) Civ. A. No. 1:11-cv-11217-DLC  
)  
v. )  
ACCLARENT, INC. )  
Defendant. )  
)

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**DECLARATION OF MICHAEL M. MAYA IN SUPPORT OF DEFENDANT'S  
MEMORANDUM IN SUPPORT OF MOTION BY WILLIAM FACTEAU AND  
PATRICK FABIAN TO QUASH SUBPOENAS**

I, Michael M. Maya, do hereby declare and say:

1. I am an attorney with the law firm of Covington & Burling, attorneys of record for Defendant Acclarent, Inc ("Acclarent"). I am a member of the bar of this Court. The matters set forth herein are true and correct of my own personal knowledge and/or information and belief and, if called as a witness, I could and would testify competently thereto.

2. Attached hereto as Exhibit A is a true and correct copy of an email chain comprising a message sent on April 10, 2017 by counsel for Plaintiff-Relator Melayna Lokosky to counsel for Acclarent, and a message sent on April 12, 2017 by counsel for Acclarent to counsel for Plaintiff-Relator Melayna Lokosky.

3. Attached hereto as Exhibit B is a true and correct copy of an email chain comprising a message sent on May 11, 2017 by counsel for Plaintiff-Relator Melayna Lokosky to counsel for Acclarent, and a message sent on May 12, 2017 by counsel for Acclarent to counsel for Plaintiff-Relator Melayna Lokosky, with a copy to counsel for William Facteau.

4. Attached hereto as Exhibit C is a true and correct copy of an email sent on March 26, 2018 by counsel for Plaintiff-Relator Melayna Lokosky to counsel for Acclarent.

5. In the course of the parties' discussions regarding scheduling matters in this case, counsel for Acclarent have never stated that Acclarent would agree to an extension of the fact discovery deadline beyond July 27, 2018 or that Acclarent would agree to conduct the depositions of William Facteau or Patrick Fabian after July 27, 2018.

6. Attached hereto as Exhibit D is a true and correct copy of an email sent on July 19, 2018 by counsel for Plaintiff-Relator Melayna Lokosky to the Court.

7. Attached hereto as Exhibit E is a true and correct copy of excerpts from the transcript of the deposition of Plaintiff-Relator Melayna Lokosky, taken on April 5, 2018.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 6th day of August, 2018 at Washington, District of Columbia.

/s/ Michael M. Maya  
Michael M. Maya